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HOUSING MATTERS

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FORUM FOR HOUSING NEWS IN MASSACHUSETTS

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ON THE AUCTION BLOCK

Tenants Resist HUD Housing Sales

 Michael Kane

The Reagan Administration's efforts to "get out of the housing business" have placed thousands of tenants in Massachusetts at risk. For these tenants the combination of deteriorating conditions and rising rents could lead to mass displacement, or if tenants organize - new opportunities for tenant-controlled affordable housing.

Origins of the Crisis

Originally conceived as the Great Society's response to the housing demands generated by the Civil Rights movement, federal subsidy programs were aimed at increasing the production of low and moderate-income housing. In exchange for the development of housing, HUD offered developers a number of incentives: limited operating expenses, "below market rate" mort-

gages, mortgage insurance, and the promise of a tax shelter.

From the outset, however, there were problems. Private developers, concerned more with sheltering taxes than sheltering people, saddled tenants with poorly designed, poorly built, and energy-inefficient housing. When maintenance and heating costs predictably soared, rents were not enough to offset increasing operating deficits.

Tenants First

By the early 1970's, tenants in HUD-subsidized housing were facing rent increases which they could not afford. Led by the Tenants First Coalition (TFC), Massachusetts tenants organized to fight against both the deteriorating conditions and the rising rents that threatened to displace them.

Through their efforts, TFC was able to prevent New England's largest HUD-subsidized landlord, Max Kargman from obtaining excessive rent increases. Equally important, the tenants succeeded in sending a powerful message to HUD: tenants would resist displacement.

Meanwhile, many owners decided to abandon their buildings once their tax benefits had expired. When owners defaulted on their loans, HUD as insurer of the mortgage, became responsible for the daily operation of the de-

(Continued on page 5)

AFFORD-A-BILL

A Budget Approach To Housing

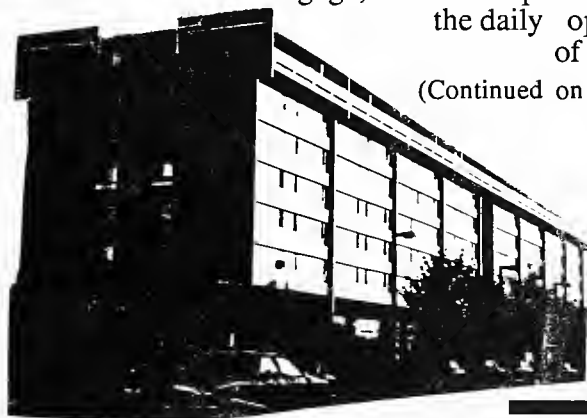
 Lew Finfer

If the Executive Office of Community Development (EOCD) calculates that Massachusetts needs 35,000 new housing units a year to keep pace with its population growth, then we've come up way short. How short? About 72,000 units behind what was projected as necessary for Massachusetts between 1980-1985. With only 1 1/2% of the state's budget going to housing, many organizations question whether Massachusetts is carving out enough of the budget to get over the housing crunch.

To respond to the need for more state funds for housing, the Massachusetts Affordable Housing Alliance (MAHA) has proposed a bill that is realistic given current housing needs. Formally known as "An Act to Increase Massachusetts Affordable Homeownership and Rental Housing" (Housing Bill #4454, Senate Bill #548), and informally as the Affordable Housing Bill, this legislation seeks to make housing not just a legislative mandate, but a budget priority.

To get housing to people in communities who need it the most, the Affordable Housing Bill has been drafted to cover a wide range of housing needs including: subsidies for construction of rental units for low and moderate-income people, low-interest mortgages to promote moderate-income home-

(Continued on page 4)


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REGIONAL NOTES

Greater Boston

According to the Boston Housing Court, approximately 300 Greater Boston tenants each month are brought to court for eviction proceedings. Tenant advocates say that this figure is only a fraction of the residents in the Boston Area who are receiving eviction notices. As development moves through Boston's neighborhoods, the assumption seems to be that when property changes hands and owners want to "upgrade" buildings, the people living there have to leave. **Roxbury and Jamaica Plain** disagree and they have responded by establishing an "Eviction-Free Zone."

As one of a number of strategies being used to stabilize neighborhoods, the "Eviction-Free Zone" is based on support from local community groups. Within the Zone's borders, local advocates have committed their resources to seeing that none of the residents in their communities are forced to leave. Community groups, including City Life and the Greater Roxbury Neighborhood Authority, are working to educate tenants about their rights. The Legal Services Center is offering representation to every tenant being evicted. The message being sent to present and future developers is that the current residents of Roxbury and Jamaica Plain should be included in redevelopment plans.

At this point, the Legal Service Center estimates that about 90% of the tenants they represent stay in their apartments. The Center is also working with community groups to provide residents with next-step information about financing, rehabilitation, and tenant ownership.

Recently Tenants United For Public Housing Progress

formed a city-wide Asbestos Committee to educate tenants about what to do if they see exposed asbestos. Prior to the formation of the Asbestos Committee, TUPHP had received reports of exposed asbestos from ten public housing developments in the Boston area. The majority of these reports came from the Office of Environmental Affairs, which was called in by tenants to inspect the premises. Under the regulations, the Boston Housing Authority must remove the asbestos within 30 days of being notified of its exposure.

So far, according to TUPHP, the BHA has only committed itself to conducting surveys of the basements of Boston's public housing.

One of the first hurdles women leaving Framingham Women's Prison have to face is being able to find an affordable place to live. This summer, **Aid to Incarcerated Mothers (AIM)**, a Boston-based organization, will establish a Revolving Security Deposit Fund. The Fund will provide women leaving prison with both a security deposit and last month's rent payment.

AIM's Housing Committee has so far raised \$4000 for the Fund. If you are interested in making a donation to the Fund, contact AIM at (617) 531-5856.

Western Massachusetts

Between 1961-1981, **Springfield** lost 1800 Single Room Occupancy (SRO's) units to urban renewal. For many poor elderly, single, and mentally ill people in Massachusetts, SRO's are the last step before homelessness. To prevent the loss of a vital form of housing, the Service Providers, Inc. of Springfield is currently conducting a study on Springfield's need for

SRO's. As the research progresses, Service Providers is also targeting potential sites for SRO's and putting together the financing and management packages necessary for developing sites. This project is being facilitated by city, state, church, and local organizations.

The news from **Holyoke** is that the Board of Aldermen's attempt to use its power of eminent domain to prevent multi-family housing has come to a halt. A year and a half ago, the Valley Housing Development Corporation purchased land to build eighteen units of housing designated for farm workers, all of whom are low-income and many of whom are Hispanic. Earlier this year, the Holyoke's Aldermen attempted to block construction by seizing the land through eminent domain. Upon the request of the Development Corporation, Massachusetts Commission Against Discrimination (MCAD) stepped in and advised Holyoke's Mayor not to approve the Board's motion to appropriate the property. Had eminent domain been supported by the city, MCAD threatened to 1] prevent Holyoke from receiving state discretionary funds, and 2] sue each Alderman for discrimination.

After four years of applying for funding and several months of doing battle with the Aldermen, Valley Housing Corporation will break ground for the housing on June 24th.

Southampton is just one of the many communities in Massachusetts that is finding out about State Executive Order #215. Signed in 1982, Executive Order #215 gives the Economic Office of Community Development (EOCD) the ability to review local housing policies when a community applies for state funds. If a community has not met its "affordable housing" responsibilities

EOCD can move to withhold state discretionary funds.

In Southamptons case, it has been trying to block the construction of 24 low and moderate-income housing units. State officials, however, refuse to fund a study which the town has requested unless Southampton can show that it intends to promote affordable housing alternatives.

EOCD and Southampton are currently negotiating an agreement outlining specific actions that the town must take to increase its affordable housing stock. If an agreement is formed between EOCD and Southampton, violation of the agreement by Southampton will cause the community to be ineligible for state funds unless it alters its course and decides to promote low-income housing.

While EOCD actually enforces Executive Order #215, local advocates are encouraged to bring relevant information regarding their community's housing policies to EOCD's attention.

North

As the scramble for land becomes more bullish, mobile home tenants are facing the loss of their mobile home parks. According to the Massachusetts Tenants Organization, approximately 1200 mobile homes have received word that their parks may close. How are tenants responding to park closings?

In Peabody, Park Willow Acres mobile home tenants are negotiating the purchase of their park. The sale will represent the first time that tenants in Massachusetts have purchased their park.

Tenants groups who cannot afford to purchase their parks, are taking another approach. Working with the owners of their parks, tenants are designing agreements which will guarantee that their parks will not close for a specified time.

So far, seven park owners have signed agreements with tenants that will provide them with between seven to ten years of security.

While Lowell is feeling the boom of revitalization, there is a serious housing crisis in its lower-income neighborhoods. The Ethnic Covenant, a consortium of seventeen churches, has set out to effect the affordability of housing by tipping the scales of supply and demand. Over the upcoming years, the Ethnic Covenant plans to build 1000 units of housing in the Merrimack Valley.

Pulling together a financial partnership between churches, large employers, corporations, and government, the Covenant is beginning its drive to build a \$5 million revolving loan fund. The fund will be used to construct and acquire property which will then be sold at cost. The Covenant estimates the units can be built for \$50,000 to \$60,000. Monies coming back into the revolving fund from purchases will be recycled for investments in future housing.

In a city where fewer and fewer landlords are willing to rent apartments to people receiving government subsidies, the preservation of any low and moderate-income housing is nothing to ignore. Through the combined efforts of the state, the city, and a new private landlord, Gloucester just saved 22 units of low-income housing.

For more than seventy-five years, a small cluster of apartments near Gloucester's harbor, have provided working class residents with stable homes. Nine months ago, the buildings were purchased by a landlord who quickly moved to raise the rent by a minimum of 52%.

After a number of individual tenants resisted paying the rent increases due to sanitary code violations, the landlord decided that it was time to sell.

Upon purchasing the buildings, the new owner took a different approach to the current tenants. Working with city officials and community groups, the landlord agreed to rent to people with subsidies. The city joined in by providing Community Block Grant funds to help finance needed rehabilitation. The State contributed by approving Chapter 707 subsidies, which will provide the new landlord with 75% of each tenant's rental payment.

South

When the numbers showed that even three middle-income families pooling their monies could not afford to buy or rent the average home or apartment in Cape Cod, local residents in Barnstable County organized an affordable housing summit. Representatives from major



employers, local banks, educational institutions, the press, public housing authorities, and town, county, and state officials, sat in the same room and identified the role that each had in producing more affordable housing. Specific suggestions about zoning, public/private financing, housing trust, and land taxes were put on the table. As the conference organizer, Judy Barnett stated, the result was that local leaders began to recognize that the housing crisis is a local problem that must be dealt with on a local level. For information about organizing a local housing summit, contact Judy Barnett, Box 276, Barnstable, MA 02360.

In March, Cape Organizations for the Rights of Disabled (CORD) requested a hearing before the Town of Barnstable's Board of Selectman to testify about violations of handicapped access laws. According to CORD, the town's building inspectors have been issuing building and occupancy permits to local developers without insuring that the new construction

and renovation complied with the state's Architectural Barrier Board's (A.B.B.) regulations.

While CORD's experiences with A.B.B., so far, have been discouraging, the Barnstable Board of Selectman have proposed to draft a local by-law that would be stricter than the state's A.B.B. regulations. With reports from the Boston TAB that complaints filed with the A.B.B. sometimes take years to resolve, Barnstable's efforts to set up a local complaint mechanism may prove useful.

In New Bedford, P.A.C.E. (People Acting in Community Endeavors) has recently completed an abandoned housing survey. After cross-checking information from the tax accessor's office with properties that appeared abandoned, P.A.C.E. compiled a list of fifty properties that have been deserted by their owners. Armed with P.A.C.E.'s report, New Bedford has applied for funds under the Abandonment Incentive Program run by the Massachusetts Housing Partnership.

P.A.C.E. hopes to develop one or two of the buildings it has identified into low-income rental housing.

Central Massachusetts

When the terms of Worcester's Rent Review Board members expired, no one was reappointed to the Board. But with little enforcement power, the Worcester Board offered residents few protections.

From the Mayor's Advisory Committee, there is now talk of restructuring the Rent Review Board to give it more teeth. From the community, and specifically neighborhoods that have experienced unreasonable rent increases, there is movement to seek a stronger rent control board.

As with many towns and cities undergoing rapid development, the need for a rent control ordinance in Worcester is pressing as rent continue to rise at a rapid rate. (See article "Amherst Rent Review: A Hybrid" on page 8 for details about one community's response to increasing rents.)

Afford-a-Bill

(continued from page 1)

-ownership, rent subsidies, financing for tenant-owned co-operatives, security improvements for elderly housing, and construction of new apartments.

Formed last October, MAHA has built a broad coalition. Supporters include groups doing work at both the state and local level.

This spring, a large number of the Affordable Housing Bill's supporters testified at two budget hearings conducted by the Ways & Means Committee and two legislative

hearings before the Committee on Housing and Urban Development.

At this point, the legislative budget process is in high speed, and the Ways & Means Committee will be making its decision in June. With forty Legislators sponsoring the Bill, Massachusetts has a chance at getting the budget it needs for housing.

Lew Finfer is the Staff Coordinator of MAHA and the Director of the Organizing & Leadership Training Center located in Boston.

The Proposed Budget for the Affordable Housing Bill

- \$50 Million - Construction of 2800 low and moderate-income rental units.
- \$20 Million - Low-interest rate mortgages for 2000 homes for people earning between \$20-\$30,000.
- \$20 Million - Section 707 subsidies for 5000 tenants.
- \$35 Million - Financing tenant cooperatives & mobile home park purchases.
- \$2 Million - Security repairs in senior public housing.
- \$10 Million - Alternative housing, SROs.
- \$400 Million - Bond issue for 6000 units of family 705 housing.
- Housing Trust Fund - See Legislative Section, Page 6.

HUD Tenants

Resist (Continued from page 1)

velopments. The next step was for HUD to actually take legal title of the buildings through a foreclosure process - a process which sometimes took years.

Tenants Fight Back

Having resisted rent increases, TFC had established the basis for HUD's next response. In 1974, HUD moved to foreclose on buildings which owners had abandoned. With title in hand, HUD began to hold auctions and resell these buildings to new owners. As tenants were to learn, their new owners would not have to maintain their buildings as low and moderate-income housing.

In Boston's Methunion development, as in other developments, tenants began to intervene in the auction process in an attempt to prevent speculators from bidding on their properties.

This work continued in the late 1970's, when advocates brought the subsidized-housing crisis to Congress. Through former Senator Edward Brooke's efforts, tenants translated their resistance into a major policy change, the Property Disposition Amendments of 1978. Under the Property Disposition Amendment, HUD was required to resell the buildings it had inherited through mortgage defaults in a way that preserved them as low-income housing.

HUD was able to meet the intent of the Disposition Amendments through several innovative projects. Of national recognition was the Demonstration Project a tenant ownership project. HUD, also provided massive subsidies to "bail out" a number of developments in financial trouble.

The Reagan Threat

While Massachusetts tenants had been able to stave off losing its subsidized-housing, in the early 1980s, buildings were still finan-

cially unstable. With the advent of the Reagan Administration, the government moved to "privatize" HUD-subsidized housing.

In 1983, the Reagan Administration crafted several policy initiatives which served to circumvent the Property Disposition Act. Of major significance was a tax shelter which attracted investors who had no interest in housing people. The more immediate threat came with HUD's encouraging the resale of a development before HUD became the owner. By promoting a private sale between a current owner in financial trouble and a new private owner, HUD sought to avoid actually taking possession of buildings. If HUD did not take possession, tenants were not protected under the Property Disposition Act.

4,300 subsidized apartments were destined for foreclosure and resale.

In 1983, HUD used this strategy when it put Boston's Interfaith development up for sale. Organized by the Boston Affordable Housing Coalition (BAHC), the Interfaith tenants halted the sale. With the support of Congressman Barney Frank and Speaker of the House Tip O'Neil, the tenants negotiated an agreement which entailed HUD taking title to the buildings. Once HUD took ownership, the Property Disposition Act requirements were triggered and negotiations for a sale to the Boston Housing Authority began.

Interfaith was only the tip of the iceberg. In 1983, the Community Economic Development Corporation, a state agency, identified 4300 subsidized apartments that were destined for foreclosure and resale. Most of the tenants in these buildings were completely unaware of HUD's plans to resell the buildings.

Recent Victories

By 1984, HUD had become owner of over 2000 of the 4,300 units heading for new owners. While HUD was required to give non-profit community development corporations (CDC's) priority in negotiating a sale, it tried to ignore this policy in an auction of the Roxbury's TAB II development. While Tab II tenants were unable to block the sale of the building, their work sparked renewed organizing.

Last spring, tenant advocates presented HUD with a list of alternative ownership policies. The demands included: 1] conditions on the use of buildings which would effectively keep developments available to low and moderate-income people for another 30 years; 2] structuring the sale process to favor non-profit CDC's, government agencies, and tenant cooperatives; and 3] guaranteeing that rehabilitation would not displace tenants.

Over the past year, tenants in Roxbury's Granite Properties have been able to secure a number of these demands.

What's Next

While gains have been substantial for tenants in buildings where HUD is the owner, the gains have been fewer where HUD has side-stepped possession.

To continue to preserve housing that the federal government originally targeted for low and moderate-income tenants, the BAHC is preparing a comprehensive "HUD Tenant Bill of Rights" proposal to present to the Massachusetts Congressional delegation. As HUD tenants in the past have won impressive gains and avoided mass displacement, further organizing and work with congressional leaders may yet realize the fragile promise of affordable and decent housing.

Michael Kane has been an organizer in the Boston area for fifteen years and is currently the Executive Director of the Boston Affordable Housing Coalition.

LEGISLATION

The computer age has brought with it a proliferation of a new business known as "tenant screening services." In Massachusetts, the most prominent is the Landlord Reports Computer Services (LRCS), operated by Paul Jenny, former President of the Massachusetts Rental Housing Association. Jenny's service provides landlords with computerized lists of tenants involved in court cases. By using court records to track tenants, this service effectively discriminates against tenants who use the legal process to enforce their rights under the state sanitary laws.

State Senator Albano and the Massachusetts Tenants Organization are in the process of drafting a bill directed at tenant screening services. The bill is a response to a business which is growing rapidly. Started only two years ago, Jenny's tenant screening service covers five cities in the Commonwealth: Brockton, New Bedford, Quincy, Springfield, and Worcester.

Albano's Bill, which had originally been proposed as an amendment to the state's Fair Credit Reporting Act, has now been drafted as a separate piece of legislation. The move to create a separate statute came from opposition voiced by credit bureaus wanting to distinguish credit reporting from tenant screening.

The bill would prohibit computer services from listing a tenant's name because he or she has 1] legally withheld rent, 2] joined a tenants organization, or 3] reported a housing code violation. The bill would also require a computer service to notify tenants when reports have been requested by landlords and would give tenants a fair opportunity to correct errors in their report.

Once the landlord reporting service bill is drafted, the Legislature's

Joint Committee on Labor and Commerce, which is generally assigned legislation related to consumer protection issues, will be responsible for recommending the bill to the Legislature for a vote.

Efforts to draft legislation related to tenant screening services have also emerged on the federal level. A year ago, Representative Schumer (NY) proposed a bill to amend the Federal Fair Credit Reporting Act to cover businesses like Paul Jenny's. At this point, the bill is at a standstill in the Sub-Committee on Consumer Affairs.

While no further schedules have been set for either the state or the federal landlord computer service bills, according to the *Boston Business Journal*, Paul Jenny has a schedule - he plans to generate lists that will eventually cover all of Massachusetts and Connecticut.

**HOUSING IS THE RIGHT
OF ALL-
NOT THE PRIVILEGE OF
SOME**

Corita Kent

In 1948, the United Nations declared in the Universal Declaration of Human Rights that "everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including ... housing." In recognition of these fundamental principles, the Massachusetts Coalition for the Homeless is leading a campaign to amend the state Constitution to include a right to housing.

While several states have established a right to shelter, as Sue Marsh, an advocate for the home-

less emphasizes, "A shelter is not a home." With this objective, the Coalition's amendment seeks to guarantee people the right to "habitable and affordable non-transient housing." Like the right to education, which the Commonwealth has in its Constitution, the right to housing would make the state responsible for providing people with access to housing.

While amending the Constitution is a lengthy process, the critical beginning will occur on September 17th when the Secretary of State's Office will hand the Coalition petition forms. The Coalition must collect a 100,000 signatures to put the right to housing before the legislature. Already forty-two community organizations have agreed to gather 1000 signatures each.

Organizations will have until this November 19th, at which time the petition must be delivered to the Secretary of State.

Once the petition is in, it will then have to be approved by two separate Legislative sessions, one in May of 1987 and a second in May of 1989. With the approval of 25% of both the House and the Senate, in four years the amendment would be placed on the ballot. The question would then be put to the voters, who would have to decide in their own minds whether housing is a basic right to which each of us should be entitled. For more information on how organizations can participate, contact Sue Marsh, Coalition for the Homeless, in Boston at (617) 523-6400.

Federal cutbacks and less than enthusiastic state response has made it necessary to seek new sources of financial aid to preserve housing alternatives for low and moderate-income residents. In an effort to create a renewable source of funding which would not be dependent on

the fluctuating appropriations of the Legislature, one alternative being explored is a Housing Trust Fund. The Trust Fund, proposed by the Mass. Coalition for the Homeless (H. 1488) and the Mass. Affordable Housing Alliance (H. 4454), may tap into four possible sources of unused monies:

- 1] Rent escrow funds - interest earned on tenant security deposits and last months rent above the 5% which must go to the tenant.
- 2] Sale escrow funds - interest earned on down payments and real estate deposits.
- 3] Tax escrow funds - interest earned on homeowners property tax payments.
- 4] Transfer tax - charges of a half of one percent on purchases of real estate over \$150,000.

By pooling these types of funds, and allowing consumers to retain the interest they are currently earning, the estimated interest raised could amount to between \$30 and \$60 million.

COURTS

Can towns require developers to set aside a percentage of housing units for low-income and elderly people through "incentive zoning"? According to the State's highest court, the question of whether "incentive zoning" would meet constitutional standards remains unanswered.

In April, the Supreme Judicial Court ordered that a developer's claim against Newton's incentive zoning ordinance be dismissed. Although the decision was made strictly on procedural grounds and not whether incentive zoning is constitutional, the affect of the Court's decision was that Newton's ordinance was left unscathed.

Under the Zoning Act of 1975, towns and cities can enact incentive zoning without having to pass a homerule petition through the State Legislature.

FINANCIAL

As advocates examine the extent of their housing problems, locating funds to support studies is becoming a necessary first step. To help communities make responsible decisions about their affordable housing needs, the Executive Office of Community Development (EOCD) is providing funds to support local planning efforts through its Strategic Planning Grants.

In its first round of grants, EOCD awarded eighteen grants. Priority was given to proposals focusing on issues related to affordable housing. First round grants awarded to individual communities averaged about \$21,000 with the maximum being \$30,000. EOCD also allowed communities to apply jointly under one application. The maximum available under a joint application was \$50,000.

For more information, contact Jean Van Orman, EOCD (617) 727-3197.

Presidential Documents

Proclamation 5470 of April 30, 1986

Fair Housing Month, 1986

By the President of the United States of America

A Proclamation

The year 1986 marks the eighteenth anniversary of the passage of title VIII of the Civil Rights Act of 1968, commonly referred to as the "Fair Housing Act," declaring it a national policy that housing throughout the United States should be made available to all citizens on the basis of equality and fairness.

The Federal Fair Housing Act prohibits discrimination in housing on the basis of race, color, religion, sex, or national origin.

Fairness is the foundation of our way of life and reflects the best of our traditional American values. Invidious discriminatory housing practices are abhorrent to the American sense of fair play.

In this eighteenth year since the passage of the Fair Housing Act, Americans should continue to work together to uphold the Fair Housing Act and the principle of equal opportunity on which it is based.

The Congress, by Senate Joint Resolution 303, has authorized and requested the President to issue a proclamation designating the month of April 1986 as "Fair Housing Month."

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim April 1986 as Fair Housing Month.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of April, in the year of our Lord nineteen hundred and eighty-six, and of the Independence of the United States of America the two hundred and tenth.

Ronald Reagan

Federal Register

Vol. 51, No. 86

Tuesday, May 6, 1986

Title

Text

NOT A MOMENT
TOO LATE

IFN Doc. 86-10294

Amherst Rent Review: A HYBRID

A.R. Duke

As virtually every community in Massachusetts is feeling a housing shortage, local leaders and advocates are looking more closely at what they can do to help their communities. This article is the first in a series that will focus on alternatives being explored by community groups at the local level.

What does it take to pass a local rent control ordinance? "A constant presence," says Ken Mosakowski, Chair of the Amherst's Rent Control Study Commission. In Amherst, a constant presence has meant that for the past thirteen years, a core group of residents have attempted to pass a rent control ordinance.

In October 1985, the thirteen year debate came to an historic crossroads. By an overwhelming majority, Amherst Town Meeting passed a Rent Control Enabling Act, which two months latter was authorized by the State Legislature. As local rent control process dictates, Amherst Town Meeting then passed an a by-law, which in turn was sent to the Attorney General's Office for final approval. Assistant General Henry O'Connell, however, without making a decision, referred the by-law back to the Legislature for review of specific amendments which he felt were not consistent with the original Rent Control Enabling Act.

At this point, Amherst's By-Law is still being reviewed by the Legislature.

A decade ago, a number of communities, such as Brookline and Cambridge, responded to high rent increases with rent control laws. In Amherst, the thirteen year search for rent control has led to rent review. Although rent "review" does not provide tenants with as much recourse as rent "control," Amherst's by-law may have provided tenants with a meaningful middle ground between rent control and no control.

The Problem - The Politics

As in any town, personalities and politics mix in ways that make it difficult to recapture the evolution of rent review in Amherst. The idea was first publicly debated in 1973. The debate, which had begun with a discussion of rent control, resulted in the formation of a Commission to study the need for rent control.

Between 1960 and 1970, Amherst's population had multiplied by almost five fold. Housing production failed, however to keep pace and Amherst went from being a town with one of the highest housing vacancy rates to a town with one of the lowest vacancy rates. Despite the squeeze that Amherst renters were facing, the 1973 Commission's report claimed no need for rent control. Lacking any comparison of rents and income levels, the report, however, had evaded the problem.

Nevertheless, the idea of rent control had been publicly raised and over the next ten years, between 1973 and 1983, Amherst residents

focused on a number of related issues. A Landlord-Tenant Relations Committee was established to mediate problems between renters and owners. The Town passed an ordinance restricting the conversion of rental units into condominiums when the vacancy rate falls to 5% or below. Through the Board of Health, the Town instituted a three year program to bring rental housing in compliance with the State Sanitary Code. Attempts were also made to bring a new Housing Court into the area.

While necessary, more tenant protections did not mean that apartments were any more available or that rents were staying affordable. Between 1970-1980, the population had taken another leap, climbing by about 9,000. While the majority of newcomers were students from the University of Massachusetts, a lack of dormitory space had forced a significant number of students off of campus and into the private market.

With fewer rentals to go around, the circumstances had become ripe for landlords to charge higher rents. By 1980, almost half of all tenants in Amherst were paying 35% or more of their earnings on rent. (According to federal government, housing costs should be no more 28% of a family's income.)

With rents in Amherst going up, the issue of rent control became a regular item on the Town Meeting's agenda. Between 1975 and 1983, Amherst Town Meeting members voted down eight different rent control proposals. Two rent control referenda that went before the entire community were also defeated.

Reflecting on the referenda as a strategy, Joanne Levinson, a Town Meeting Member and long-time

supporter of rent control, felt that on the issue of rent control a referendum was not an easy mechanism for tenants to use.

"Traditionally," Levinson said, "Tenants have had a lower voter turnout." The effectiveness of the referenda had also been diluted because of its timing which was several weeks after the town's general elections.

In 1982, Town Meeting votes began to shift. While in 1977 rent control had been defeated by a margin of one hundred, by 1982 the margin had decreased to only sixteen. The next year, the margin continued to diminish, with rent control being only six votes away from victory.

The votes were changing for a reason - Town Meeting members were changing. Between 1980 and 1983, tenant advocates had actively worked on the composition of Town Meeting. Their strategy was to introduce slate politics, which entailed a group of candidates running for town meeting on the same platform. In Amherst's case, one of the issues on the platform was rent control. Targeting the supportive residents, namely tenants, candidates went door to door trying to gather support. Although the strategy took about three years to grab hold, it eventually succeeded in putting more tenants, women, students, and new residents into Town Meeting. In the words of Fran Fortino, one of the organizers instrumental in effecting this slate politics, the result was that "... there were more votes for rent control."

While Town Meeting had been primed for rent control, by 1983 all of the votes for rent control were still not there. Some advocates felt that rent control still had a good chance of passing at a future Town Meeting, others disagreed feeling

feeling that rent control had polarized the community to the point where the votes had reached a stalemate.

In 1983, a new version of an old approach was taken. By this point in time, both those for and against rent control began to repeat their positions relentlessly. Each side acquired its own statistics and each side aggressively worked to elect Town Meeting Members. In fact, the issue had so torn the community, that Town Meeting Members were elected solely because of their positions on rent control.

Unlike previous studies which had not exposed the problem adequately, the study produced by the 1983 Commission quantified the housing crisis.

The twist came when Town Meeting Member Ken Mosakowski proposed that Town Meeting approve a commission to study the need for rent control. Perceived as a way to remove the issue from the political arena, the Town voted in favor of forming a Rent Control Study Commission. Although this was not the first time that a study commission was formed, it proved to be very different.

The Commission itself was composed of seven members appointed by a handful of municipal boards concerned with housing. After two years of research, data collection, and public hearings, the Study Commission produced a detailed report on the rental housing market in Amherst. Unlike previous

studies which had not exposed the problem adequately, the study produced by the 1983 Commission quantified the housing crisis. By what percentage had rents increased over the past twenty years? How did this compare to median incomes in the area? How many units had been constructed over the past twenty years? How had the population grown? The statistics went on.

The Commission's report gave the public concrete information about Amherst's housing needs. With the report in hand, Town Meeting Members had the data to vote on, and opponents of rent control had before them a report that was difficult to dispute.

Having familiarized themselves with the problem, the Commission also proposed several new housing policies one of which was to create a Rent Review Board. Three months after the study had called for rent review, Town Meeting for the first time, passed a proposal to establish a Rent Review Board.

A Hybrid Ordinance

While Amherst has not been the first town to establish a Rent Review Board, it developed a new model.

One feature of the Amherst Rent Review Board is that it is designed to modify rent "levels." This differs from other ordinances which regulate only rent "increases." The difference between the two approaches is that in Amherst tenants will not have to wait until their rents are "increased" before they can seek review. By providing that "levels" of rents can be evaluated, the Town acknowledged that landlords were increasing rents in anticipation of a rent control ordinance being passed. Although landlords in Amherst challenged the concept of regulating rent "levels," tenant advocates in Town Meeting and an attorney

from the University of Massachusetts Legal Services Office helped to defeat any amendments by testifying about incidences of pre-ordinance rent increases.

A second feature of Amherst's Rent Review Board is that if it determines that a rental unit before the Board is "comparable" to other units within the same building, the Board must notify both the tenants in these units and the landlord that these tenants, also, have the right to be considered at the hearing. This is important in Amherst where the majority of the rental units are in multi-family housing.

The comparable units provision is also important for another reason. Unlike rent control which requires landlords to register their rents, rent review puts the burden on the tenants to report the amount of their rental payment. If tenants of comparable units are notified about a hearing, more tenants are likely to become involved in the process. As Vince O'Donnell, co-founder of the Amherst Tenants Association pointed out, the result may become a vehicle through which tenants can organize.

A third feature of Amherst's Rent Review Board is that it can regulate the rents in newly constructed apartments. The provision is unusual since most rent control ordinances in Massachusetts and across the county do not cover units built after a specified date. However, while Amherst allows tenants of newly constructed rentals to appear before the Board, the provision may actually get little use. At this point in time, new construction in Amherst means mostly condominiums and single-family homes.

Although not unusual, a forth provision which Amherst has adopt-

ed is tying a rent increase to compliance with the State Sanitary Code. If the Board determines that the premises do not comply with state and local sanitary codes, no rent increase will be allowed. While similar provisions exist in other rent control laws in Massachusetts, Amherst has taken a stronger position and made the rejection of a rent increase mandatory.

One aspect of Amherst Rent Review By-Law which some tenant advocates question is that the composition of the Board is not specified. In Brookline, the Rent Control Board must have at least two members who are tenants and two members who are landlords. In Lowell, the Housing Review Board, which consists of seven members, must have one tenant, one landlord, and five owners of single-family homes. In Amherst, the only requirement for the five member board is that they be residents. A Board formula, in fact, was defeated in Town Meeting.

According to a number of tenant advocates around the state, while a formula is designed to promote a balance of interests, this balance can be thwarted. Establishing a fair Board whose members believe in the rent review process, may necessitate ordinances going further than just a formula, and creating specific standards to which the Board can be held accountable.

For further information:

Amherst Rent Review
By-Law/Amherst Final
Report

Ken Mosakowski,
Amherst Housing
Authority
33 Kellogg Avenue,
Amherst MA 01002
(617) 256-0206

City/Town Statistical Data:

State Data Center,
University of
Massachusetts
117 Draper Hall
Amherst MA 01002
(617) 545-1076

Organizing a Rent Control
Campaign

Massachusetts Tenants
Organization
14 Beacon Street
Boston MA 02108
(617) 367-6260

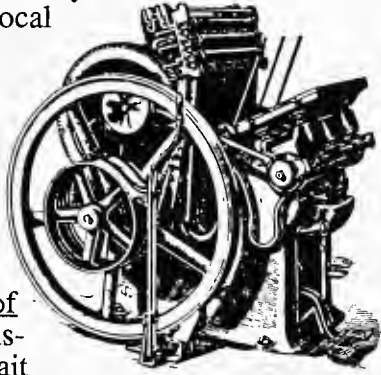
While Amherst residents are still moving the Rent Review By-Law through state channels, their work has produced a rent review ordinance with some teeth. The focus on the votes, the commitment by a town-appointed commission to produce an informative study, the search for a meaningful ordinance, and the drive to develop slate politics were the bricks and mortar that laid the foundation for the by-law. No small task, but a large accomplishment.

RESOURCES

Shared Living: A Community Planning Guide offers local

officials, community groups, and elder residents information about how to plan together to meet housing needs through small shared living arrangements. A slide show, Families of Choices, furthers the discussion through a portrait

of three shared living situations, exploring both the positive and the negative aspects of these housing options. For information on how to obtain the Guide and the Slide Show contact: Virginia Robinson, ABCD, Community Services Department, 178 Tremont St., Boston, MA 02111. (617) 357-6000, ext. 204.



Homeslessness: An Intergrated Approach is a guide to integrating agency support and resources for homeless people. In addition to important data and background material on both state and federal policies, the Guide describes a number of methods that Massachusetts has used to integrate services that relate to securing adequate food, shelter, medical care, and social needs for homeless people. Written for advocates, legislators, service providers, and government officials, the Guide can be obtained from the Massachusetts Association for Mental Health, 14 Beacon Street, Boston, MA. (617) 742-7452. Cost is \$7.00 including postage.

Housing Discrimination Against Female-Headed Households and Rental Subsidy Recipients is a report recently published by the Massachusetts Commission Against Discrimination (MCAD). Detailing the results of an MCAD audit on Cape Cod real estate agencies, the study may be the first in the nation to focus on discrimination against single-family heads-of-households. To obtain a copy contact: Laura Rubin,

MCAD, 1 Ashburton Place, Boston MA 02108 (617) 727-3990.

Little Max, 5th Edition has just come back from the presses after being updated and expanded to the tune of 600 pages. Covering all the major state and federal benefit programs, Little Max has become an essential desk reference for service providers in need of nuts and bolts information on a wide variety of programs. The housing section provides information about emergency shelter, evictions, federal public housing, homesteading, private housing subsidies, property tax exemptions, rental assistance, and state public housing. An invaluable resource. Cost is \$18.95 plus an additional \$2.05 in postage and can be obtained from the Massachusetts Poverty Law Center, 69 Canal St., Boston MA 02114 (617) 742-9250. (Bulk rates available.)

SRO Housing: A New Frontier recounts the history of Single Room Occupancy Rooms (SRO's) in Springfield, Massachusetts and explores how non-profit groups in Portland, Oregon, and Seattle, Washington are taking over SRO buildings and providing the residents with needed services. A lesson in the potential use of SROs, the slide show is available from Nancy Simons, Service Providers, Inc., Springfield MA 01109 (413) 734-4948.

A Manual on Transitional Housing is clearly written and informative guide about a housing alternative which attempts to close the gap between temporary shelter and permanent housing. Published this year, the Manual is the first to provide a comprehensive look at the mechanics of developing transitional housing for women. Descriptions of existing models, sketches of floor plans, and summaries of a related bibliography will impart developers, community advocates, architects, and local officials with a wellspring of useful information. To receive a Manual sent \$10 to Women's Institute for Housing and Economic Development, Inc., 179 South St., Boston MA 02111. (Bulk rate available.)

EVENTS

JUNE 21: Second Annual HUD Tenant Conference will be sponsored by the Boston Affordable Housing Coalition (BAHC). The all-day conference will feature issues and skills workshops for HUD Tenants and housing activists. For information contact : BAHC, 32 Rutland St., Boston MA (617) 267-2949.

JUNE 25: Day long workshop for human service workers on the planning of accessible living spaces for people who have chronic disabilities and functional limitations. The course will provide practical information about funding sources, accessibility products, and floor plans. Cost is \$95. For more information contact: Dick Duncan, Adaptive Environments Center (617) 739-0088.

SUBSCRIBE

\$6 Low-income \$20 Community group/
Non-profit

\$12 Individual **\$30 Business**

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Organization

Street _____

City _____ State _____ Zip _____